

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No. 7:16-CR-804-2

LUIS AGUILAR,
Defendant.

MOTION FOR ORDER DIRECTING
DISCHARGED COUNSEL TO RETURN DEFENDANT'S FILES

Comes Now, Defendant, Luis Aguilar, appearing pro se^{1/}, and respectfully moves this Honorable Court for an Order directing Patricia A. Rigney, Esq., Defendant's last attorney, to return to him the files and records of and from the above-entitled cause, based upon the following:

Defendant is serving a 350-month sentence imposed by this Court. In the ensuing appeal, he was represented by appointed counsel, Patricia A. Rigney, 1416 West Dove Avenue, McAllen, Texas 78504. After the judgment was affirmed by the Fifth Circuit on July 16, 2018, Rigney filed a Motion to Withdraw as

^{1/}The requirement to liberally construe pro se pleadings could not be more imperative than here, where Defendant's prison is "locked down" due to the COVID-19 pandemic.

counsel, which the Court granted on August 7, 2018.

Since then, counsel has refused to return the files and records of the case to Defendant—despite his many requests—so he can prepare his motion to vacate his sentence under 28 U.S.C. § 2253.

It is noteworthy that the files and records of the case belong to Defendant, not Ms. Rigney. As much as it is his case and his 350-month sentence, the files and records, which are a requisite for challenging any aspect of the case, are also his.

Finally, Defendant is involving the Court only after many attempts at retrieving the files on his own.

Wherefore, by reason of the foregoing, Defendant asks the Court to issue the requested relief by an Order directing Ms. Rigney to promptly return his files and records of the case, in the interests of fairness.

Dated: February 18, 2021

Respectfully submitted,

Luis A.

Luis Aguilar (16053-479)

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